

Message Text

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PAGE 01 SEOUL 06534 041240Z

ACTION EA-09

INFO OCT-01 ISO-00 L-03 CIAE-00 INR-07 NSAE-00 JUSE-00

PRS-01 SSO-00 INRE-00 EAE-00 SP-02 NSC-05 NSCE-00

/028 W

-----081555 041320Z /44

O 040810Z AUG 77

FM AMEMBASSY SEOUL

TO SECSTATE WASHDC IMMEDIATE 5528

LIMITED OFFICIAL USE SEOUL 6534

E.O. 11652: N/A

TAGS: PDIP KS US

SUBJ: SUPBOENA OF BANK RECORDS OF ROK EMBASSY OFFICERS

REF: STATE 178473

1. MOFA AMERICAN AFFAIRS BUREAU DIRECTOR PAK SANG YONG CALLED IN POLCOUNS AUGUST 3 TO EXPRESS ROKG CONCERN OVER SUPBOENA OF BANK RECORDS OF ROK EMBASSY OFFICIALS AND WIFE OF FORMER AMBASSADOR KIM TONG CHO. PAK POINTED OUT THAT SUPBOENA WAS APPARENT VIOLATION OF OCTOBER 19 UNDERSTANDING BETWEEN ROK EMBASSY AND USG UNDER WHICH DEPARTMENT OF JUSTICE WITHDREW EARLIER SUPBOENAS IN RETURN FOR VOLUNTARY ROKG COOPERATION IN SUPPLYING SUMMARY OF BANK RECORDS. PAK SAID THAT IN ACCORDANCE WITH THAT UNDERSTANDING DEPARTMENT OF JUSTICE HAD AGREED THAT THERE WOULD BE NO FURTHER REQUESTS FOR BANK RECORDS UNLESS VERY EXTRAORDINARY CIRCUMSTANCES OBTAINED.

2. PAK NOTED THAT ALTHOUGH AGREEMENT ONLY CALLED FOR PROVISION OF SUMMARY OF BANK RECORDS, ROKG HAD PROVIDED FULL RECORDS AND HAD ALWAYS DEMONSTRATED FULL WILLINGNESS TO COOPERATE WITH DOJ INVESTIGATION. PAK SAID THAT IN
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VIEW OF PAST ROKG RECORD OF COOPERATION HE WAS AT A LOSS TO UNDERSTAND WHY DOJ HAD FOUND IT NECESSARY TO ISSUE SUPBOENAS. HE NOTED IN PARTICULAR THAT SUPBOENA OF FORMER AMBASSADOR'S WIFE'S BANK RECORDS WAS "GOING TOO FAR."

3. POLCOUNS ASKED PAK IF HE WAS SUGGESTING THAT ROKG

WAS PREPARED TO VOLUNTARILY SUPPLY RECORDS IF SUBPOENAS WERE WITHDRAWN. HE REPLIED THAT ROKG CONTINUED TO BE WILLING TO COOPERATE WITH THE DOJ INVESTIGATION IF REQUESTS FOR RECORDS WERE REASONABLE (I.E., DID NOT AMOUNT TO FISHING EXPEDITION) AND DID NOT INVOLVE A WAIVER OF DIPLOMATIC PRIVILEGES AND IMMUNITIES. THE ISSUANCE OF A SUBPOENA IMPLIED A RELATIONSHIP OF COERCION WHICH THE ROKG FOUND DIFFICULT TO UNDERSTAND. HE SUGGESTED THAT RATHER THAN ISSUING SUBPOENAS, THE JUSTICE DEPT SHOULD HAVE GOTTEN IN TOUCH WITH THE ROK EMBASSY'S ATTORNEY, GIVING HIM AN INDICATION OF WHAT PERIOD OF TIME AND WHAT AMOUNTS OF MONEY THE DEPARTMENT WAS INTERESTED IN, AND THE ROKG WOULD HAVE BEEN PERFECTLY WILLING TO COOPERATE.

4. ACTION REQUESTED: REQUEST DEPARTMENT GUIDANCE FOR RESPONSE TO MOFA.
STERN

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DOCUMENTS, BANKS, COURT DECISIONS, SUBPOENAS, DIPLOMATIC PERSONNEL, DEPENDENTS
Control Number: n/a
Copy: SINGLE
Sent Date: 04-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977SEOUL06534
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
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Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770279-0768
Format: TEL
From: SEOUL
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770896/aaaaddrt.tel
Line Count: 79
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 2f9cfc61-c288-dd11-92da-001cc4696bcc
Office: ACTION EA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 STATE 178473
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 25-Feb-2005 12:00:00 am
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Review Exemptions: n/a
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Review Release Date: n/a
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Review Withdrawn Fields: n/a
SAS ID: 1707660
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Subject: SUPBOENA OF BANK RECORDS OF ROK EMBASSY OFFICERS
TAGS: PDIP, KS, US, (KIM TONG CHO)
To: STATE
Type: TE
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